

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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THEODORE STEVENS,

Plaintiff,

v.

RUSTY DONNELLY, *et al.*,

Defendants.

Case No. 3:20-cv-00254-MMD-WGC

ORDER

**I. DISCUSSION**

*Pro se* Plaintiff Theodore Stevens initiated this action with a civil rights complaint (“Complaint”) under 42 U.S.C. § 1983. (ECF No. 1-1.) Plaintiff did not pay the filing fee or file an application to proceed *in forma pauperis*. The Court ordered Plaintiff to either pay the filing fee in full or submit an application to proceed *in forma pauperis* by June 29, 2020. (ECF No. 3.) The Court has not yet screened Plaintiff’s Complaint, and the Complaint has not been served on the Defendants. Plaintiff has now filed a pleading requesting to withdraw the Complaint in this case. (ECF No. 5.) The Court construes this pleading as a motion for voluntary dismissal.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice. If Plaintiff did not intend to voluntarily dismiss this case, he may file a motion for reconsideration within 30 days from the date of entry of this order.

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1 **II. CONCLUSION**

2 For the foregoing reasons, it is ordered that the motion for voluntary dismissal (ECF  
3 No. 5) is granted.

4 It is further ordered that this action is dismissed in its entirety without prejudice.

5 It is further ordered that if Plaintiff did not intend to voluntarily dismiss this case, he  
6 may file a motion for reconsideration within 30 days from the date of entry of this order.

7 It is further ordered that the Clerk of the Court will enter judgment accordingly.

8 DATED THIS 24<sup>th</sup> day of June 2020.

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MIRANDA M. DU  
12 CHIEF UNITED STATES DISTRICT JUDGE  
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